

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MICHAEL SCOTT,

Plaintiff,

VS.

WILLIAM STEPHENS, *et al*,

Defendant.

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CIVIL ACTION NO. C-06-108

**MEMORANDUM OPINION AND ORDER DENYING MOTION FOR
RECONSIDERATION**

Pending is plaintiff's motion for reconsideration of the order denying his motion for sanctions (D.E. 85). On May 23, 2007, plaintiff's motion for sanctions was denied (D.E. 66). Plaintiff had sought sanctions against defendants and their counsel because their answer was filed four days beyond the due date. Plaintiff cited no harm or prejudice resulting from an oversight by plaintiff's counsel, and the motion was denied. Three months later, on August 24, 2007, plaintiff has requested reconsideration of that order.

Plaintiff has not requested review by a District Judge nor has he requested review pursuant to Fed. R. Civ. P. 72(a) or 28 U.S.C. § 636(b)(1)(A). In fact, he moved "to the court to reconsider *its*" order denying his motion for sanctions. Accordingly, it is assumed that the motion is addressed to the undersigned United States Magistrate Judge.

Plaintiff's motion (D.E. 85) is denied for the reasons set forth in the original order denying his motion for sanctions.

If plaintiff requests review of this order by the District Judge, he must clearly request review by a District Judge, *within ten days*, pursuant to Fed. R. Civ. P. 72(a) and 28 U.S.C. § 636(b)(1)(A).

ORDERED this 31st day of August, 2007.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE